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AMENDED IN ASSEMBLY MAY 1, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1086

**Introduced by Assembly Members Mazzoni, Baldwin, and
Pacheco**
(Coauthor: Senator Hughes)

February 27, 1997

An act to amend Sections 44755 and 44757 of, to amend the heading of Chapter 3.45 (commencing with Section 44755) of Part 25 of, to add Sections 44757.1, 44757.2, 44757.3, 44757.4, and 44757.5 to, to add and repeal Chapter 3.46 (commencing with Section 44758) of Part 25 of, and to repeal Section 44756 of, the Education Code, relating to education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1086, as amended, Mazzoni. Reading instruction.

Existing law establishes a program to provide each certificated teacher of pupils enrolled in kindergarten and

grades 1 to 3, inclusive, with the knowledge and skills necessary to effectively teach pupils to read. The State Department of Education is required to allocate funds appropriated for that program to each school district on the basis of an equal amount per pupil in enrollment statewide in kindergarten and grades 1 to 3, inclusive, as of October 1996. As a condition to receiving funds for that program, each school district must certify, among other things, that not less than 90% of its certificated employees who provide direct instructional services to pupils enrolled in kindergarten or any of grades 1 to 3, inclusive, have received specified in-service training and that funds will be spent by the school district only for the purposes of providing in-service training in reading instruction in the 1996–97 school year.

This bill would repeal most of the existing conditions to receive funding and replace those conditions with new conditions that would include, that funds received pursuant to the program shall be expended only for the purposes of providing programs of in-service training in reading instruction that consist of, and are limited to, specified subjects, as defined, that all teachers of pupils in those grades have received or will receive the training *to the extent feasible*, and that funds received for these purposes shall be spent only for programs of in-service training that do not cause a reduction in pupil instructional time and that do not include teacher release time. The bill would delete the limitation of expenditure of funds to the 1996–97 school year.

This bill would also establish a teacher reading instruction development program for grades 4 to 8, inclusive. The bill would require that funds received pursuant to the program shall be expended only for the purposes of providing programs of in-service training in reading instruction that consist of, and are limited to, specified subjects, as defined, that all teachers of pupils in those grades have received or will receive the training *to the extent feasible*, and that funds received for these purposes be spent only for programs of in-service training that do not cause a reduction in pupil instructional time and that do not include teacher release time.



The bill would require the *State Board of Education*, in consultation with the Commission on Teacher Credentialing, to develop a list of approved contract providers of in-service training in reading instruction. *The bill would require the State Department of Education to provide staff support to the board in carrying out its responsibilities.* The bill would require that any person or entity that seeks to appear on the list of providers of in-service training in reading instruction to submit an application, as specified. The bill would require the ~~commission~~ board to establish criteria for the approval of providers of in-service training in reading instruction. The bill would authorize a school district to provide in-service training in reading instruction to its employees using its own current or former employees as instructors if certain conditions are met. The bill would require each school district that receives funding pursuant to these provisions and provides instruction in departmentalized classes for pupils in grades 4 to 8, inclusive, to designate those teachers in each school and at each grade level who are responsible for teaching reading to pupils who have reading deficiencies, or who provide direct instructional services to pupils in reading.

The bill would require the Superintendent of Public Instruction to administer the grant application process and would provide that the minimum grant awarded shall be for no less than \$1,000 and the maximum grant awarded to a school district shall not exceed twice the total amount of funding provided for the purposes of this program in any fiscal year divided by the number of pupils enrolled statewide in grades 4 to 8, inclusive, in that fiscal year, multiplied by the number of pupils enrolled in the school district in those grades.

The bill would provide that the provisions relating to the teacher reading instruction development program for grades 4 to 8, inclusive, would become inoperative on June 30, 2005, and, as of January 1, 2006, would be repealed.

The bill would provide that up to ~~\$475,000~~ \$150,000 of the Goals 2000 funds allocated in the Budget Act of 1997 to the State Department of Education for state operations may be encumbered by the State Department of Education to administer the bill, thereby making an appropriation.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 3.45 (commencing with Section 44755) of Part 25 of the Education Code is amended to read:

CHAPTER 3.45. TEACHER READING INSTRUCTION
DEVELOPMENT PROGRAM: KINDERGARTEN and GRADES 1
TO 3, INCLUSIVE

SEC. 2. Section 44755 of the Education Code is amended to read:

44755. (a) It is the intent of the Legislature that at least 90 percent of the certificated teachers of pupils enrolled in kindergarten and grades 1 to 3, inclusive, possess the knowledge and skills to effectively teach pupils to read.

(b) For the purposes of this chapter:

~~(1) "Commission" means the Commission on Teacher Credentialing.~~

(1) "Board" means the State Board of Education.

(2) "School district" means school districts and county offices of education.

SEC. 3. Section 44756 of the Education Code is repealed.

SEC. 4. Section 44757 of the Education Code is amended to read:

44757. A school district shall certify to the State Department of Education all of the following, as a condition to receiving funding pursuant to this chapter:

(a) That funds received pursuant to this chapter shall be spent by school districts only for the purpose of providing in-service training in reading instruction to certificated employees who provide direct instructional

1 services to pupils enrolled in kindergarten or any of
2 grades 1 to 3, inclusive, and to schoolsite administrators.

3 (b) That funds received pursuant to this chapter for
4 teachers of pupils enrolled in kindergarten and any of
5 grades 1 to 3, inclusive, shall be expended only for the
6 purpose of providing programs of in-service training in
7 reading instruction that consist of, and are not limited to,
8 all of the following subjects:

9 (1) Phoneme awareness instruction.

10 (2) Systematic explicit phonics instruction.

11 (3) Decoding instruction and the diagnosis of a pupil's
12 ability to decode.

13 (4) *Word-attack skills instruction.*

14 (5) Spelling and vocabulary instruction.

15 ~~(5)~~

16 (6) Explicit instruction of comprehension skills.

17 ~~(6)~~

18 (7) Research on how reading skills are acquired.

19 ~~(7)~~

20 (8) Effective integration of listening, speaking,
21 reading, and writing.

22 ~~(8)~~

23 (9) Effective classroom and schoolwide interventions
24 for low-performing readers.

25 ~~(9)~~

26 (10) Ways to promote extensive, self-selected
27 independent reading.

28 ~~(10)~~

29 (11) Effective reading instruction for English
30 language learners.

31 ~~(11)~~

32 (12) Planning and delivery of appropriate reading
33 instruction based on assessment and evaluation.

34 (c) ~~That~~ *To the extent feasible with available funds,*
35 *that* all teachers of pupils in kindergarten and grades 1 to
36 3, inclusive, have received or will receive the training
37 provided pursuant to this chapter.

38 (d) That funds received by school districts for the
39 purposes of this chapter that are expended for contract
40 providers of training shall be spent only for providers of

1 in-service training that have been approved by the
2 ~~Commission on Teacher Credentialing pursuant to State~~
3 ~~Board of Education pursuant to Section 44757.1.~~

4 (e) That a school district using its own employees to
5 provide the training described in subdivision (b) to its
6 own employees meets the requirements of Section
7 44757.2.

8 (f) That funds received for the purposes of this chapter
9 shall be spent only for programs of in-service training that
10 do not cause a reduction in pupil instructional time.

11 SEC. 5. Section 44757.1 is added to the Education
12 Code, to read:

13 ~~44757.1. (a) The Commission on Teacher~~
14 ~~Credentialing shall develop a list of contract providers of~~
15 ~~in-service training in reading instruction that have been~~
16 ~~approved by the commission pursuant to this section.~~

17 44757.1. (a) The State Board of Education, in
18 consultation with the Commission on Teacher
19 Credentialing, shall develop a list of contract providers of
20 in-service training in reading instruction that have been
21 approved by the board pursuant to this section. The State
22 Department of Education shall provide staff support to
23 the board in carrying out its responsibilities pursuant to
24 this section.

25 (b) Any person, or public, private, or private nonprofit
26 entity, that seeks to appear on the list of providers of
27 in-service training in reading instruction that may be
28 hired by a school district pursuant to this chapter, shall
29 submit an application to the ~~commission~~ board that
30 includes the curricula of the program to provide the
31 training described in all components of subdivision (b) of
32 Section 44757, in the time and manner required by the
33 ~~commission. The commission~~ board. The board shall
34 approve or disapprove all applications within 45 working
35 days of receipt of the application. The ~~commission~~ board
36 shall state the reasons for disapproving any application
37 received pursuant to this paragraph and any decision of
38 the ~~commission~~ board shall be based exclusively upon the
39 criteria published pursuant to subdivision (c).

(c) The ~~commission~~ *board* shall establish criteria for the approval of providers of in-service training in reading instruction that meet the requirements of subdivision (b) of Section 44757.

(d) The ~~commission~~ *board* shall maintain, update regularly, and make available to school districts through print and electronic media a list of providers of in-service training in reading instruction that have been approved by the ~~commission~~ *board* pursuant to this section.

(e) The ~~commission~~ *board* may audit and study the effectiveness of any program of in-service training provided pursuant to this chapter.

SEC. 6. Section 44757.2 is added to the Education Code, to read:

44757.2. A school district may provide in-service training in reading instruction to its employees using its own current employees or former employees, or both, as instructors pursuant to this chapter provided that both of the following conditions are met:

(a) The program of in-service training meets the requirements of all components of subdivision (b) of Section 44757 and the district has incorporated into its program the appropriate and relevant materials developed pursuant to Chapter 15 (commencing with Section 53000) of Part 28.

(b) The program of in-service training meets the requirements of subdivisions (a), (c), (e), and (f) of Section 44757.

SEC. 7. Section 44757.3 is added to the Education Code, to read:

44757.3. The Superintendent of Public Instruction shall administer the grant application process. School district applications shall include the following:

(a) Certification by the governing board that the requirements of Section 44757 or 44757.2, or both, as appropriate, shall be met.

(b) Certification by the governing board of the school district that the district is implementing a balanced, comprehensive reading instruction program.

(c) A description of how the school district shall address the following:

(1) Augmentation of resources for reading instruction staff development through the use of staff development days authorized pursuant to Section 44670.6.

(2) Augmentation of resources for reading instruction staff development through the use of funds available from other state and federal sources.

(3) Augmentation of resources for reading instruction staff development through the use of training provided by publishers that address the subjects contained in subdivision (b) of Section 44757.

(4) Involvement of the parents and guardians of pupils enrolled in the school district.

(5) Ensuring that teachers are provided time to collaborate, discuss, and reflect on, and to the degree possible, be coached on classroom implementation of what has been provided in staff development sessions.

(6) Ensuring that implementation of training and pupil results relative to grade-level standards in reading are monitored to ensure a positive impact of the training.

SEC. 8. Section 44757.4 is added to the Education Code, to read:

44757.4. (a) The Superintendent of Public Instruction shall award grants to school districts only for the highest quality proposals that demonstrate a clear understanding of a balanced, comprehensive reading instruction program based on current and confirmed research.

(b) A school district shall propose a project budget to carry out the proposed reading staff development. The minimum grant awarded shall be for no less than one thousand dollars (\$1,000), and the maximum grant awarded to a school district shall not exceed twice the product of the following:

(1) The total amount of funding provided in the annual Budget Act or in any other act for the purposes of this chapter in any fiscal year divided by the number of pupils enrolled statewide in kindergarten and grades 1 to 3, inclusive, in that fiscal year.

1 (2) The number of pupils enrolled in the school district
2 in kindergarten and grades 1 to 3, inclusive.

3 (c) For purposes of this section, enrollment shall be
4 the enrollment determined in October of the fiscal year
5 for which the funds are appropriated.

6 SEC. 9. Section 44757.5 is added to the Education
7 Code, to read:

8 44757.5. For the purposes of this chapter, the
9 following definitions apply:

10 (a) “Phoneme awareness instruction” means teaching
11 awareness of words, syllables, and phonemes along a
12 developmental progression, and includes rhyming,
13 recognition and production, blending and matching of
14 phonemes, and segmentation, and substitution.

15 (b) “Systematic explicit phonics instruction” means
16 an organized, sequential program in which letter-sound
17 correspondence for letters and letter clusters are directly
18 taught and blended, practiced in words, word lists, and
19 word families, and practiced in “decodable text.”
20 “Decodable text” means reading material in which a high
21 percentage of words are linked to phonics lessons.
22 Systematic explicit phonics instruction builds from basic
23 elements to complex patterns and teachers provide
24 prompt and explicit feedback. Systematic explicit
25 phonics instruction does not mean “embedded phonics
26 instruction” which is ad hoc instruction in phonics based
27 on a random selection of sound and word elements.

28 (c) “Decoding instruction” means teaching how to
29 read printed words fluently and automatically, from
30 simple letter combinations to more complex,
31 multisyllabic combinations through the use of connected
32 or practice text.

33 (d) “Diagnosis of a pupil’s ability to decode” means
34 regularly assessing the pupil’s mastery of word
35 recognition, fluency and automaticity, and word analysis
36 in order to plan future instructional activities.

37 (e) “Explicit instruction” means systematic teaching
38 of skills.

39 (f) “Spelling instruction” means teaching a logical
40 scope and sequence of word knowledge, orthographic

1 patterns, and frequently used words connected to the
2 phonics sequence used in reading and writing instruction.

3 (g) *“Word-attack skills instruction” means direct*
4 *instruction of decoding skills and of structural elements,*
5 *including prefixes, suffixes, and roots.*

6 (h) *“Vocabulary instruction” means teaching word*
7 *meanings.*

8 ~~(h)~~

9 (i) *“Instruction of comprehension skills” means*
10 *systematic teaching of vocabulary development, text*
11 *organization, and syntactic patterns, including, but not*
12 *limited to, strategies for interpretation, summarization,*
13 *prediction, clarification, and question generation.*

14 ~~(i)~~

15 (j) *“Research on how reading skills are acquired”*
16 *means research that is current and confirmed with*
17 *generalizable and replicable results. “Current” research*
18 *is research that has been conducted and is reported in a*
19 *manner consistent with contemporary standards of*
20 *scientific investigation. “Confirmed” research is research*
21 *that has been replicated and the results duplicated.*
22 *“Replicable” research is research with a structure and*
23 *design that can be reproduced. “Generalizable” research*
24 *is research in which samples have been used so that the*
25 *results can be said to be true for the population from*
26 *which the sample was drawn.*

27 SEC. 10. Chapter 3.46 (commencing with Section
28 44758) is added to Part 25 of the Education Code, to read:

29

30 CHAPTER 3.46. TEACHER READING INSTRUCTION
31 DEVELOPMENT PROGRAM: GRADES 4 TO 8, INCLUSIVE
32

33 44758. (a) It is the intent of the Legislature that at
34 least 90 percent of the certificated employees who
35 provide direct instructional services to pupils enrolled in
36 grades 4 to 8, inclusive, in reading or English-language
37 arts possess the knowledge and skills necessary to
38 effectively teach pupils to read.

39 (b) For the purposes of this chapter:

1 ~~(1) “Commission” means the Commission on Teacher~~
2 ~~Credentialing.~~

3 (1) “Board” means the State Board of Education.

4 (2) “School districts” means school districts and
5 county offices of education.

6 44759. As a condition to receiving funds pursuant to
7 this chapter, a school district shall certify to the State
8 Department of Education all of the following:

9 (a) That funds received pursuant to this chapter are
10 expended only for the purpose of providing in-service
11 training in reading instruction to certificated employees
12 who provide direct instructional services in reading or
13 English-language arts to pupils enrolled in grades 4 to 8,
14 inclusive, and to schoolsite administrators.

15 (b) ~~That~~ *To the extent feasible with available funds,*
16 *that* all teachers of pupils in grades 4 to 8, inclusive, who
17 teach in self-contained classes, and the teachers
18 designated pursuant to Section 44759.3, have received or
19 will receive the training provided pursuant to this
20 chapter.

21 (c) That funds received by school districts for the
22 purposes of this chapter that are expended for contract
23 providers of training shall be spent only for providers of
24 in-service training that have been approved by the
25 ~~Commission on Teacher Credentialing pursuant to State~~
26 ~~Board of Education pursuant to~~ Section 44759.1.

27 (d) That a school district using its own current or
28 former employees, or both, to provide the training
29 described in subdivision (e) to its own employees meets
30 the requirements of Section 44759.2.

31 (e) That funds received pursuant to this chapter for
32 in-service training of certificated employees who provide
33 direct instructional services in reading English-language
34 arts to pupils enrolled in any of grades 4 to 8, inclusive,
35 shall be expended only for the purpose of providing
36 programs of in-service training in reading instruction that
37 consist of, and are not limited to, all of the following
38 subjects:

39 (1) Word-attack skills instruction.

40 (2) Spelling and vocabulary instruction.

1 (3) Explicit instruction of comprehension skills.

2 (4) Research on how reading skills are acquired.

3 (5) Text-handling and strategic reading strategies for
4 text use across the curriculum for a variety of purposes.

5 (6) Ways to promote extensive, independent
6 self-selected reading of a variety of genres for a variety of
7 purposes, including both fiction and nonfiction texts.

8 (7) The effective integration of listening, speaking,
9 reading, and writing.

10 (8) Effective classroom and schoolwide interventions
11 for low-performing readers.

12 (9) Effective reading instruction for English-language
13 learners.

14 (10) Planning and delivery of appropriate reading
15 instruction based on assessment and evaluation.

16 (f) That funds received for the purposes of this chapter
17 shall be spent only for programs of in-service training that
18 do not cause a reduction in pupil instructional time ~~and~~
19 ~~that do not include teacher release time.~~

20 ~~44759.1. (a) The Commission on Teacher~~
21 ~~Credentialing shall develop a list of contract providers of~~
22 ~~in-service training in reading instruction that have been~~
23 ~~approved by the commission pursuant to this section.~~

24 *44759.1. (a) The State Board of Education, in*
25 *consultation with the Commission on Teacher*
26 *Credentialing, shall develop a list of contract providers of*
27 *in-service training in reading instruction that have been*
28 *approved by the board pursuant to this section. The State*
29 *Department of Education shall provide staff support to*
30 *the board in carrying out its responsibilities pursuant to*
31 *this section.*

32 (b) Any person, or public, private, or private nonprofit
33 entity, that seeks to appear on the list of providers of
34 in-service training in reading instruction that may be
35 hired by a school district pursuant to this chapter, shall
36 submit an application to the ~~commission~~ board that
37 includes the curricula of the program to provide the
38 training described in all components of subdivision (e) of
39 Section 44759, in the time and manner required by the
40 ~~commission. The commission~~ board. The board shall

1 approve or disapprove all applications within 45 working
2 days of receipt of the application. The ~~commission~~ board
3 shall state the reasons for disapproving any application
4 received pursuant to this paragraph and any decision of
5 the ~~commission~~ board shall be based exclusively upon the
6 criteria published pursuant to subdivision (c).

7 (c) The ~~commission~~ board shall establish criteria for
8 the approval of providers of in-service training in reading
9 instruction that meet the requirements of subdivision (e)
10 of Section 44759.

11 (d) The ~~commission~~ board shall maintain, update
12 regularly, and make available to school districts through
13 print and electronic media a list of providers of in-service
14 training in reading instruction that have been approved
15 by the ~~commission~~ board pursuant to this section.

16 (e) The ~~commission~~ board may audit and study the
17 effectiveness of any program of in-service training
18 provided pursuant to this chapter.

19 44759.2. A school district may provide in-service
20 training in reading instruction to its employees using its
21 own employees as instructors pursuant to this chapter
22 provided that both of the following conditions are met:

23 (a) The program of in-service training meets the
24 requirements of all components of subdivision (e) of
25 Section 44759 and the district has incorporated into its
26 program the appropriate and relevant materials
27 developed pursuant to Chapter 15 (commencing with
28 Section 53000) of Part 28.

29 (b) The program of in-service training meets the
30 requirements of subdivisions (a), (b), (d), and (f) of
31 Section 44759.

32 44759.3. Each school district that receives funds
33 pursuant to this chapter and provides instruction in
34 departmentalized classes for pupils in any of grades 4 to
35 8, inclusive, shall designate those teachers in each school
36 and at each grade level who are responsible for teaching
37 reading to pupils who have reading deficiencies, or who
38 provide direct instructional services to pupils in reading.

1 44759.4. The Superintendent of Public Instruction
2 shall administer the grant application process. School
3 district applications shall include the following:

4 (a) Certification by the governing board of the school
5 district that the requirements of Section 44759 or 44759.2,
6 or both as appropriate, and Section 44759.3 shall be met.

7 (b) A description of how the school district shall
8 address the following:

9 (1) Augmentation of resources for reading instruction
10 staff development through the use of staff development
11 days authorized pursuant to Section 44670.6.

12 (2) Augmentation of resources for reading instruction
13 staff development through the use of funds available from
14 other state and federal sources.

15 (3) Augmentation of resources for reading instruction
16 staff development through the use of training provided
17 by publishers that address the subjects contained in
18 subdivision (e) of Section 44759.

19 (4) Involvement of the parents and guardians of pupils
20 enrolled in the school district.

21 (5) *Ensuring that teachers are provided time to*
22 *collaborate, discuss, and reflect on, and to the degree*
23 *possible, be coached on the classroom implementation of*
24 *what has been provided in staff development sessions.*

25 (6) *Ensuring that implementation of training and*
26 *pupil results relative to grade-level standards in reading*
27 *are monitored to ensure a positive impact of the training.*

28 44759.5. (a) The Superintendent of Public
29 Instruction shall award grants to school districts only for
30 the highest quality proposals that demonstrate a clear
31 understanding of a balanced, comprehensive reading
32 instruction program based on current and confirmed
33 research.

34 (b) A school district shall propose a project budget to
35 carry out the proposed reading staff development. The
36 minimum grant awarded shall be for no less than one
37 thousand dollars (\$1,000), and the maximum grant
38 awarded to a school district shall not exceed twice the
39 product of the following:

(1) The total funding provided in the annual Budget Act or in any other act for the purposes of this chapter in any fiscal year divided by the number of pupils enrolled statewide in grades 4 to 8, inclusive, in that fiscal year.

(2) The number of pupils enrolled in the school district in grades 4 to 8, inclusive.

(c) For purposes of this section, enrollment shall be the enrollment determined in October of the fiscal year for which the funds are appropriated.

44759.6. For the purposes of this chapter, the following definitions shall apply:

(a) “Word-attack skills instruction” means direct instruction of decoding skills and of structural elements, including prefixes, suffixes, and roots.

(b) “Explicit instruction” means systematic teaching skills.

(c) “Spelling instruction” means teaching a logical scope and sequence of word knowledge, orthographic patterns, and frequently used words connected to the phonics sequence used in reading and writing instruction.

(d) “Vocabulary instruction” means teaching word meanings.

(e) “Instruction of comprehension skills” means systematic teaching of vocabulary development, text organization, and syntactic patterns, including, but not limited to, strategies for interpretation, summarization, prediction, clarification, and question generation.

(f) “Research on how reading skills are acquired” means research that is current and confirmed with generalizable and replicable results. “Current” research is research that has been conducted and is reported in a manner consistent with contemporary standards of scientific investigation. “Confirmed” research is research that has been replicated and the results duplicated. “Replicable” research is research with a structure and design that can be reproduced. “Generalizable” research is research in which samples have been used so that the results can be said to be true for the population from which the sample was drawn.

1 44759.7. This chapter shall become inoperative on
2 June 30, 2005, and, as of January 1, 2006, is repealed, unless
3 a later enacted statute, that becomes operative on or
4 before January 1, 2006, deletes or extends the dates on
5 which it becomes inoperative and is repealed.

6 SEC. 11. Notwithstanding any other provision of law,
7 ~~up to four hundred seventy-five thousand dollars~~
8 ~~(\$475,000)~~ *up to one hundred fifty thousand dollars*
9 *(\$150,000)* of the Goals 2000 funds allocated in the Budget
10 Act of 1997 to the State Department of Education for state
11 operations may be encumbered by the State Department
12 of Education to administer this act.

13 SEC. 12. This act is an urgency statute necessary for
14 the immediate preservation of the public peace, health,
15 or safety within the meaning of Article IV of the
16 Constitution and shall go into immediate effect. The facts
17 constituting the necessity are:

18 In order to provide training for teachers of reading so
19 that pupils may attain maximum achievement during the
20 1997–98 school year, it is necessary that this act take effect
21 immediately.

